

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**CAPITAL INCOME AND GROWTH  
FUND LLC,**

Plaintiff,

v.

**TONY EUGENE FRANKLIN AND  
ROSE M. FRANKLIN,**

Defendants.

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Civil Action No. **3:15-CV-1985-L**

**ORDER**

Before the court is pro se Defendant Tony Eugene Franklin's postjudgment Motion for the Appointment of Counsel (Doc. 17), filed December 13, 2016. On December 20, 2016, United States Magistrate Judge David L. Horan entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report"), recommending that the motion be denied. No objections to the Report were filed as of the date of this order.

Having reviewed the motion, pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **denies** the Motion for the Appointment of Counsel (Doc. 17).

**It is so ordered** this 11th day of January, 2017.

  
Sam A. Lindsay  
United States District Judge